

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

CLERKS OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED
APR 05 2024
LAURA A. AUSTIN, CLERK
BY: s/ H. MCDONALD
DEPUTY CLERK

GLAS TRUST COMPANY LLC, *in its
capacity as Note Trustee,*

Plaintiff,

v.

CARTER BANK & TRUST,

Defendant.

Civil Action No. 4:24-cv-00005

ORDER

This matter comes before the Court pursuant to Local Rule 9 and Defendant Carter Bank & Trust's ("Carter Bank") Amended Motion to Seal Exhibit 1 to its Motion to Dismiss Pursuant to Rule 12(b)(1) and Rule 12(b)(6), ECF No. 24, because it contains confidential financial and business information of non-parties to this suit.

Before this Court may seal documents, it must: "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000) (citations omitted).

In support of sealing, Carter Bank argued that Exhibit 1 to its Motion to Dismiss contains highly confidential financial information of non-parties to this litigation, as well as sensitive business information of those same entities, release of which would be harmful to them. There are no less drastic alternatives to sealing because, given the nature of the confidential financial and

business information contained therein, redaction of Exhibit 1 is impractical. Carter Bank requests sealing until the conclusion of this litigation.

Based on the foregoing, the Court **FINDS** that the information at issue constitutes confidential and proprietary information and that less drastic alternatives to sealing Exhibit 1 to Carter Bank's Motion to Dismiss is not feasible.

Accordingly, the Court **GRANTS** Carter Bank's Motion to Seal and **ORDERS** that Exhibit 1 to Carter Bank's Motion to Dismiss Pursuant to Rule 12(b)(1) and Rule 12(b)(6) shall be maintained under seal by the Clerk pending the final resolution of this matter. The Clerk is directed to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.

Entered: April 5, 2024

C. Kailani Memmer

C. Kailani Memmer
United States Magistrate Judge